

1
2
3 BILL NO. 8-74-12- //

4 GENERAL ORDINANCE NO. G- 38-74

5 AN ORINANCE amending General Ordinance No. G-97
6 by authorizing the vacation of a certain alley
7 in the City of Fort Wayne, Indiana

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
9 WAYNE, INDIANA:

10 SECTION 1. Petition for the vacation of a certain alley having been
11 filed with the Fort Wayne City Plan Commission and resolution having been duly
12 adopted by the Fort Wayne City Plan Commission on November 25, 1974 following
13 a public hearing thereon, all in accordance with Section 44, Chapter 174 of the
14 Acts of the General Assembly of the State of Indiana, as amended by Section 3,
15 Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana
16 (Burns Ind. Stat., 1964 Replacement, Sec. 53-744), the Thoroughfare Plan as set
17 forth in General Ordinance No. G-97 adopted by the Common Council of the City of
18 Fort Wayne on November 26, 1963, is amended by deleting the following public
19 alley in Fort Wayne, Allen County, Indiana, to-wit:

20
21 The north-south alley, extending south from the south right-of-
22 way of Oakdale Drive, to the north right-of-way of the East-west
23 alley, and lying between Lots #11 and #12 Wilson's Addition

24 SECTION 2. After passage of this Ordinance, approval by the Mayor
25 and legal publication, a duly certified copy of this Ordinance, of the recommenda-
26 tion of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall
27 be transmitted by the City Clerk to the Board of Public Works of the City of Fort
28 Wayne, Indiana.

29 SECTION 3. This Ordinance shall be in full force and effect from and
30 after its passage, approval by the Mayor and legal publication thereof.

31
32 
33 Councilman

34
35 APPROVED AS TO FORM
AND LEGALITY,


CITY ATTORNEY

Read the first time in full and on motion by W. Schmidt, seconded by W. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M., E.S.T.

Date: 12-10-74

Charles M. Whitman
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Kraus, and duly adopted, placed on its passage. Passed (LOST) by the following vote:

| AYES | <u>9</u> | NAYS | <u>0</u> | ABSTAINED | ABSENT | to-wit: |
|-------------|----------|------|----------|-----------|--------|---------|
| BURNS | <u>✓</u> | | | | | |
| HINGA | <u>✓</u> | | | | | |
| KRAUS | <u>✓</u> | | | | | |
| MOSES | <u>✓</u> | | | | | |
| NUCKOLS | <u>✓</u> | | | | | |
| SCHMIDT, D. | <u>✓</u> | | | | | |
| SCHMIDT, V. | <u>✓</u> | | | | | |
| STIER | <u>✓</u> | | | | | |
| TALARICO | <u>✓</u> | | | | | |

DATE: 12-17-74

Charles M. Whitman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(Zoning Map)~~ (General) ~~(Annexation)~~ ~~(Special)~~ (Appropriation) Ordinance (Resolution) No. 12-38-74 on the 17th day of December, 1974

ATTEST: (SEAL)

Charles M. Whitman
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of December, 1974, at the hour of 11:00 o'clock A. M., E.S.T.

Charles M. Whitman
CITY CLERK

Approved and signed by me this 23rd day of December, 1974, at the hour of 11:00 o'clock A. M., E.S.T.

Joe A. Lewis
MAYOR

Bill No. G-74-12-11

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending General Ordinance No. G-97 by authorizing the vacation of a certain
alley in the City of Fort Wayne, Indiana

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance do PASS.

John Nuckols - Chairman

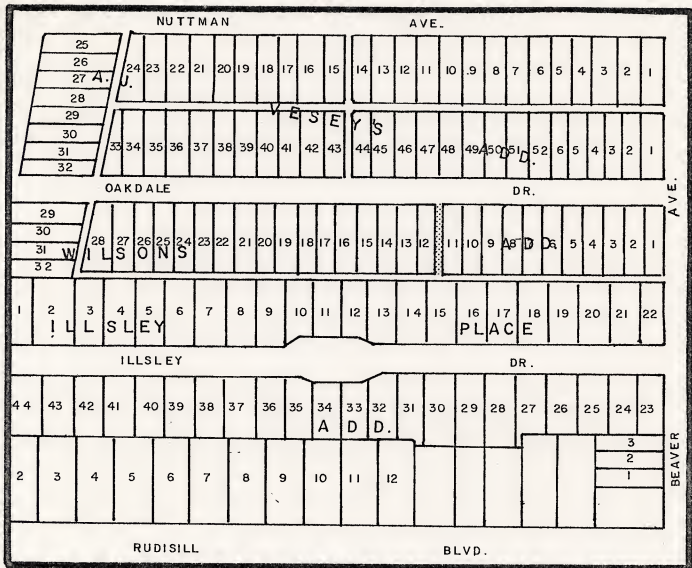
Vivian G. Schmidt - Vice-Chairman


William T. Hinga

Paul M. Burns

Donald J. Schmidt

DATE 12-17-76 CHARLES W. WESTERMAN, CITY CLERK



 ALLEY TO BE VACATED





THE CITY OF FORT WAYNE

November 27, 1974

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following:

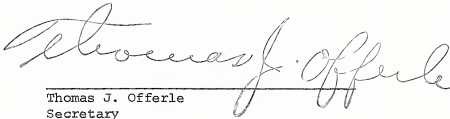
The north-south alley, extending south from the south
right-of-way of Oakdale Drive, to the north right-of-
way of the East-west alley, and lying between Lots
11 and # 12 Wilson's Addition.

which was approved by the City Plan Commission at its regular meeting
held November 25, 1974.

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
27th day of November, 1974.



Thomas J. Offerle
Secretary

RESOLUTION

WHEREAS, Jerome and Darlene M. Blaising , and James A. and Linda S. Winger, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street and alley in Allen County, Indiana, to-wit:

The north-south alley, extending south from the south right-of-way of Oakdale Drive, to the north right-of-way of the East-west alley, and lying between Lots #11 and #12 Wilson's Addition.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Ind. Ann. Stat. § 53-744 (Byrns 1964 Repl. Ed.); and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on Monday, November 25, 1974,
(date)
at 7:30 o'clock p.m., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public street or alley;

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street or alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street or alley hereinbefore described be and the same is hereby approved;

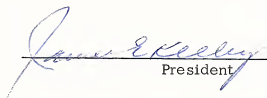
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of streets and alleys in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, James E. Kelley, President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held on Monday, November 25, 1974, and
(date)
as the same appears of record in the official records of said Plan Commission.

DATED THIS 25th DAY OF November, 19 74.

FORT WAYNE CITY PLAN COMMISSION



President

PETITION TO VACATE ALLEY

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

THE BOARD OF PUBLIC WORKS
CITY OF FORT WAYNE, INDIANA

Gentlemen:

The Undersigned, the Petitioners, do hereby respectfully petition the City Plan Commission and the Board of Public Works of the City of Fort Wayne, to vacate the following described alley within the City of Fort Wayne, Allen County, Indiana, to-wit:

The north-south alley, extending south from the south right-of-way of Oakdale Drive, to the north right-of-way of the East-west alley, and lying between Lots # 11 and # 12 Wilson's Addition.

Your petitioners represent that:

1. That they are the owners of the real estate abutting on the east side of the alley herein sought to be vacated.
2. That the alley sought to be vacated has never been improved, nor is it a service alley.
3. That said alley is not necessary as ingress or egress to any other property whatsoever.
4. That said alley is used as a thoroughfare and as such is a nuisance to abutting property owners.
5. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof, as well as the immediately adjoining property owners that said alley be vacated as prayed.

Your Petitioners file this petition pursuant to the authority granted in Burns Indiana Statutes Annotated, Section 53-744, in order to complete the vacation as above described.

WHEREFORE, your Petitioners pray that the above described alley be vacated according to the provisions of the Indiana Law pertaining thereto.

Jerome Blaising

Darlene M. Blaising
Jerome and Darlene M. Blaising
1141 W. Oakdale Drive
(Lot # 11 Wilson's Addition)

James A. Winger

Linda S. Winger
James A. and Linda S. Winger
1145 W. Oakdale Drive
(Lot # 12 Wilson's Addition)

TITLE OF ORDINANCE Alley vacation ordinance

8-74-12-11

DEPARTMENT REQUESTING ORDINANCE Community Development and Planning
CITY PLAN COMMISSION

SYNOPSIS OF ORDINANCE Petitions are requesting the vacation of the following
described alley:

The north-south alley, extending south from the south right-of-way of Oakdale Drive,
to the north right-of-way of the east-west alley, and lying between Lots # 11 and # 12

Wilson's Addition.

EFFECT OF PASSAGE if vacated, alley would be utilized by abutting property
owners. Alley is presently unimproved and unopened.

EFFECT OF NON-PASSAGE Alley would remain as is.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.)

Regulation



CITY OF FORT WAYNE

FORT WAYNE, INDIANA

CHARLES W. WESTERMAN
CITY CLERK

December 24, 1974

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of December 28, 1974 and January 4, 1975, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana,

Bill No. B-74-12-10
General Ord. G-37-74
Vacation of a certain
alley

General Ord. G-38-74
Bill No. G-74-12-11
Vacation of a certain
alley

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Charles W. Westerman".

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 2

Ft. Wayne Common Council
(Governmental Unit)

To **JOURNAL-GAZETTE** Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

| | |
|---|-----------|
| Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines | _____ |
| Head number of lines | <u>1</u> |
| Body number of lines | <u>94</u> |
| Tail number of lines | <u>2</u> |
| Total number of lines in notice | <u>97</u> |

COMPUTATION OF CHARGES

97 lines, 1 columns wide equals 97 equivalent lines at 288¢ cents per line **\$ 27.94**

Additional charge for notices containing rule or tabular work (50 per cent of above amount) _____

Charge for extra proofs of publication (50 cents for each proof in excess of two) 1.50

AL AMOUNT OF CLAIM

\$ 29.44

LEGAL NOTICE

Notice is hereby given that on the 17th day of December, 1974, the Common Council of the City of Fort Wayne, Indiana, in a regular session did pass the following Bill No. G-38-74 (G-38-74 General Ordinance, to-wit:

Bill No. G-38-74 (G-38-74 General Ordinance No. G-38-74 An ordinance amending General Ordinance No. G-97 by authorizing the vacation of a certain alley in the City of Fort Wayne, Indiana.

Be it ordained by the Common Council of the City of Fort Wayne, Indiana:

Section 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission and resolution having been duly adopted by the Fort Wayne City Plan Commission on November 25, 1974 following a public hearing thereon, all in accordance with Section 44, Chapter 174 of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Stat., 1964 Replacement, (Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public alley in Fort Wayne, Allen County, Indiana, to-wit:

The north-south alley, extending south from the south right-of-way of Oakdale Drive, to the north right-of-way of the East-west alley, and lying between lots No. 11 and 12 Wilson's Addition.

Section 2. After passage of this Ordinance, approved by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

Section 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereon.

JOHN NUCKOLDS

Councilman

Read the third time in full and on motion by Nuckolds, seconded by Kraus, and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine, Burns, Hingo, Kraus, Moses, Nuckolds, Schmidt, V. Schmidt, Slier, Tolancia, Nays: None.

Date: 12-17-74.

CHARLES W. WESTERMAN, City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, on the 23rd day of December, 1974.

Attest: (Seal) Charles W. Westerman, City Clerk; Samuel J. Tabor, Presiding Officer.

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of December, 1974, at the hour of 10:00 o'clock A.M., E.S.T.

CHARLES W. WESTERMAN, City Clerk

Approved and signed by me this 23rd day of December, 1974, at the hour of 11:00 o'clock A.M., E.S.T.

IVAN A. LEBAMOFF, Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full and correct copy of General Ordinance No. G-38-74 passed by the Common Council on the 17th day of December, 1974, and that said Ordinance was duly signed and approved by the Mayor on the 23rd day of December, 1974, and now remains on file and on record in my office.

Witness my hand, and the official seal of the City of Fort Wayne, Indiana, this 23rd day of December, 1974.

CHARLES W. WESTERMAN, City Clerk

COST

ele column 11 ems

Size of type 5 1/2 point

insertions 2

Size of quad upon which type is cast 5 1/2

and penalties of Ch. 89, Acts 1967,

foregoing account is just and correct, that the amount claimed is legally due, after allowing all just of the same has been paid.

Arvilla De Wald

19 75

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
Allen County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says

that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

12/28/74 & 1/1/75

Subscribed and sworn to before me this 6th day of January, 19 75

Arvilla De Wald
Notary Public

My commission expires October 25, 1975

Ft. Wayne Common Council
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

1

94

2

97

COMPUTATION OF CHARGES

97 lines, 1 columns wide equals 97 equivalent lines at .288¢ cents per line

27.94

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

29.44

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date January 6, 1975

Arvilla DeWald
Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE
a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

12/28/74 & 1/4/75

Subscribed and sworn to before me this 6th day of January 1975

My commission expires October 25, 1975

Notary Public

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Fr. Wayne Common Council
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

1

Body number of lines

94

Tail number of lines

2

Total number of lines in notice

97

COMPUTATION OF CHARGES

97 lines, 1 columns wide equals 97 equivalent lines at .288¢ cents per line

\$ 27.94

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

1.50

AL AMOUNT OF CLAIM

\$ 29.44

LEGAL NOTICE

Notice is hereby given that on the 17th day of December, 1974, the Common Council of the City of Fort Wayne, Indiana, in a regular session did pass the following Bill: No. G-74-12-11, G-38-74 General Ordinance, to-wit:

BILL NO. G-74-12-11

General Ordinance No. G-38-74 An ordinance amending General Ordinance No. G-97 by authorizing the vacation of a certain alley in the City of Fort Wayne, Indiana.

Be it ordained by the Common Council of the City of Fort Wayne, Indiana:

Section 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission and resolution having been duly adopted by the Fort Wayne City Plan Commission on November 23, 1974 following a public hearing thereon, all in accordance with Section 44, Chapter 174 of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Harris Ind. Stat., 1964 Replacment, (Sec. 23-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public alley in Fort Wayne, Allen County, Indiana, to-wit:

The north-south alley, extending south from the south right-of-way of Oakdale Drive to the north right-of-way of the East-west alley, and lying between lots No. 11 and 12 Wilson's Addition

Section 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Ordinance, of the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

Section 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

JOHN NUCKOLS

Councilman Read the third time in full and on motion by Nuckols, seconded by the Mayor, duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine Burns, Hinga, Kraus, Moses, Nuckols, D. Schmidt, V. Schmidt, Siller, Talarico, Vays: None.

Date: 12-17-74

CHARLES W. WESTERMAN,

City Clerk Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-38-74 on the 17th day of December, 1974.

Attest: (Seal) Charles W. Westerman, City Clerk Samuel J. Talarico, Presiding Officer.

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 17th day of December, 1974, at the hour of 10:00 o'clock A.M., E.S.T.

CHARLES W. WESTERMAN,

City Clerk Approved and signed by me this 23rd day of December, 1974, at the hour of 11:00 o'clock A.M., E.S.T.

IVAN A. LEBAMOFF,

Mayor I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full and complete copy of General Ordinance No. G-38-74 as passed by the Common Council on the 17th day of December, 1974, and that said Ordinance was duly signed and approved by the Mayor on the 23rd day of December, 1974, and now remains on file and on record in my office.

Witness my hand, and the official seal of the City of Fort Wayne, Indiana, this 23rd day of December, 1974.

CHARLES W. WESTERMAN,

City Clerk

12-28/-1-4

Form #4113

ST COST

Single column 11 ems

Size of type 5 1/2 point

Insertions 2

Size of quad upon which type is cast 5 1/2

Pen and penalties of Ch. 89, Acts 1967,

foregoing account is just and correct, that the amount claimed is legally due, after allowing all just of the same has been paid.

V.E. Gerken

19 75

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County

Personally appeared before me, a notary public in and for said county and state, the undersigned, V.E. Gerken who, being duly sworn, says

that S he is Clerk of the

NEWS-SENTINEL

DAILY

a newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly

published in said paper for two

times, the dates of publication being

as follows:

12/28/74 & 1/1/75

Subscribed and sworn to before me this 6th day of January 1975

Notary Public

My commission expires October 25, 1975

Ft. Wayne Common Council
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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COMPUTATION OF CHARGES

97 lines, 1 column wide equals 97 equivalent lines at 288¢ cents per line

\$ 27.94

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

\$ 29.44

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date January 6, 19 75

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County

ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. Gerken

that he is Clerk of the

NEWS-SENTINEL

DAILY

a newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two

time 2 the dates of publication being as follows:

12/28/74 & 1/1/75

Subscribed and sworn to before me this 6th day of January, 19 74

Notary Public

My commission expires October 25, 1975

EKKENDER

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SENT HERE

66 PAGES-5 SECTIONS

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Chuckie's

CHARLES W. WESTERMAN,
City Clerk